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National, regional and EU policy guidelines for the provision of innovative WSS

Work Package 6 Report (Deliverable 6.2)

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Table of Contents

Acronyms	2
Introduction	3
1. The policy problem	3
2. Policy implications and recommendations	7
2.1 Recommendations	9
References	12

Acronyms

CAF	Development Andean Corporation
DESAFIO	Democratisation of Water and Sanitation Governance by Means of Socio-Technical Innovation
EC	European Commission
IFIs	International Financial Institutions
LA&C	Latin America and the Caribbean
MDGs	Millennium Development Goals
TISA	Trade in Services Agreement
UN	United Nations
WHO	World Health Organization
WSS	Water and sanitation services
WTO	World Trade Organization

Introduction

This report provides synthetic recommendations to support policy design and implementation grounded on DESAFIO's research results. DESAFIO studied experiences of socio-technical innovations designed and implemented to democratize the politics and management of water and sanitation services (WSS), with a specific focus on the situation of vulnerable communities. The report can be read alongside the Cross-comparative analysis focused on the situation of Latin America and The Caribbean (Castro, 2015b) and the final Synthesis of project results (Castro, 2015c), which are complementary. The reports has two sections. Section 1 provides the background and explores key aspects of the challenges that we face to meet the Sustainable Development Goals (SDGs) recently approved by the United Nations and that set the development agenda for the next 15 years. Section 2 presents a summary of policy implications derived from DESAFIO's findings and relevant policy recommendations.

1. The policy problem

Providing safe, sustainable, essential WSS to vulnerable communities continues to be largely overdue in most developing countries. To deliver these basic services within a substantive democratic framework that prioritizes social efficacy and equality, accountability, and meaningful citizen involvement and participation in monitoring policy decision-making and implementation is more daunting and remains a largely elusive target even in the consolidated electoral democracies of Western countries.

The final reports on the progress made towards achieving the Millennium Development Goals (MDGs) showed that despite considerable advancements, access to safe water and sanitation services continues to be a major concern (UN, 2015a; WHO-UNICEF, 2014). The reports celebrate nominally reaching the target for reducing by half the proportion of the world's population that do not have access to "improved" water sources, although 45 countries out of 192 did not meet the target. The situation is even direr in relation to sanitation services. The reports confirm that only 95 countries out of 192 met the MDG target of halving the world's population without sanitation by 2015. According to the official reports

More than 700 million people still lack ready access to improved sources of drinking water; nearly half are in sub-Saharan Africa. More than one third of the global population –some 2.5 billion people– do not use an improved sanitation facility, and of these 1 billion people still practice open defecation (WHO-UNICEF, 2014: 6).

These official figures must be read with much caution. For example, the UN reports recognise that people with "improved" water sources may not necessarily have safe water

(WHO-UNICEF, 2014: 42). In short, if we consider water quality, the number of people without access to safe drinking water in 2015 is much higher than what the official figures suggest. In addition, it is important to examine the MDG results in perspective. We must remember that the MDGs aimed at halving the proportion of the world's population without access to these essential services. This was a step back from the more radical ambitions of the 1980s, when the UN International Drinking Water and Sanitation Decade had the goal of bringing 40 litres of safe drinking water to every human being in the planet by 1990 (UN, 1980). The universalistic goal of the 1980s was not achieved, as in 1990 there were 1.1 billion people, 17% of the world population, without safe drinking water, and 40% lacked basic sanitation facilities. Then, the MDGs set in 2000-2002 aimed at halving the proportion of the unserved population by 2015 (UN, 2000, 2002), a tacit admission that universalization of essential WSS was not to be achieved for at least two more decades. In this sense, the MDGs were timid, conservative, and even mean compared with the goals of the 1980s. Yet, we failed to achieve them in a very large number of the poorest countries. And even where there have been significant advances towards the MDGs, the evidence shows that it has been often achieved at the expense of increasing inequality and injustice:

[... There are] stark disparities across regions, between urban and rural areas, and between the rich and the poor and marginalized. The vast majority of those without sanitation are poorer people living in rural areas. Yet, **progress on sanitation has often increased inequality by primarily benefitting wealthier people** (WHO-UNICEF, 2014: 6; our emphasis).

The new Sustainable Development Goals (SDGs) approved in September 2015 setting the development agenda for the next 15 years have reaffirmed the universalistic rhetoric of the 1980s and in some ways have significantly raised the expectations:

On behalf of the peoples we serve, we have adopted a historic decision on a comprehensive, far-reaching and people-centred set of universal and transformative Goals and targets. We commit ourselves to working tirelessly for the full implementation of this Agenda by 2030. We recognize that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development. [...] In these Goals and targets, we are setting out a supremely ambitious and transformational vision. We envisage a world free of poverty, hunger, disease and want, where all life can thrive. [...]. A world where we reaffirm our commitments regarding the human right to safe drinking water and sanitation and where there is improved hygiene; and where food

is sufficient, safe, affordable and nutritious. A world where human habitats are safe, resilient and sustainable and where there is universal access to affordable, reliable and sustainable energy (UN, 2015b: 3-4).

WSS are addressed in Goal 6, that among other important targets include

6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all

6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations (UN, 2015b: 18)

While the approval by the UN of the ambitious and universalistic development agenda for 2030 must be celebrated, there is a need to highlight some of the obstacles facing its achievement that are directly related to DESAFIO's main research problem, the democratization of the politics of WSS. In this regard, it is crucial to recognize that in the core electoral democracies there is no agreement on fundamental aspects of the approach needed to achieve the full universalization of WSS, and even universalization is not necessarily a shared goal for everyone in this group of powerful countries. In particular, it must be recognized that there exists a confrontation between inclusionary and exclusionary societal projects, which in the case of WSS finds expression in the status conferred to these essential services. For some, WSS should be treated as commodities that must be available only to those who can afford to pay their market cost, consequently excluding non payers from accessing these services. For others, access to WSS must be considered a public good that must be guaranteed by the State, which is the approach that allowed Western democracies to achieve the universalization of these services during the twentieth century (Castro, 2015a).

The confrontations between these divergent societal projects can be exemplified with the debate about the human right to water. This debate focused on the access to small amounts of water needed by human beings for a dignified life, estimated by the World Health Organization at roughly between 50 and 100 litres per person per day for domestic needs. For many years, a large number of governments involved in this debate **rejected the possibility of sanctioning the access to this essential water as a human right**. Finally, in July 2010 the governments of 122 countries voted in favour of the UN resolution and sanctioned the human right to water, but **41 countries abstained from the vote while 29 were absent** (Amnesty International and WASH United, 2014). This report provides an analysis of the reasons why governments abstained or were absent from the vote, which includes the governments of many of the leading countries of the world; most of them consolidated Western electoral democracies. Thus, the governments of many of the same leading countries that have "reaffirm[ed their] commitments regarding the human right to safe drinking water and sanitation" in the approval of the SDGs (UN, 2015b: 3-4) have

also rejected to recognize that an essential amount of safe water to every human being on the planet must be recognized as a right, just for being human. It is a stark example of the social, political, and ethical dilemma facing the implementation of the SDGs.

The example of the confrontation surrounding the UN approval of the human right to water in 2010 demonstrates that these opposing views are not merely rhetorical or idealistic positions but have rather **very practical implications for policy and implementation in the WSS sector**. The privatist agenda that considers WSS as commodities promotes a well-known policy package in the WSS sector, seeking the privatization and mercantilization of these essential services. These policies are exclusionary, are often implemented in the absence of democratic debate, and there is already significant evidence of their **negative impacts on the population, particularly on the most vulnerable sectors**. In our research, we found examples of how these policies are being promoted by International Financial Institutions (IFIs) and other actors in Latin America and the Caribbean (LA&C) despite the significant evidence available about their **negative impacts on poor and vulnerable communities** in the region and elsewhere (Castro, 2015b). An explicit example of the confrontation between these divergent societal projects is given in the following statement about the polarized situation characterizing the role of the State in tackling structural social inequalities, including inequalities in the provision of WSS, promoted by different national governments in LA&C:

There are [...] two well-differentiated visions of the role of the State in the definition of public policies and services management [in LA&C]. On one side, the countries of the Pacific Alliance, constituted by Colombia, Chile and Peru (in addition to Mexico in North America), which seek to achieve the liberalization of the economy, the free movement of people, goods, services, and capital. [...] The second block is integrated in the Bolivarian Alliance (ALBA) grouping 15 countries [including] Venezuela, Ecuador, Bolivia, and Argentina [note: Argentina is not formally an ALBA country but is included because it has similar policies according to the CAF report]. This group centres the attention on the struggle against poverty and social exclusion. It opposes reforms of the State that seek the deregulation and privatization of public services. Rather, these countries seek to strengthen the State and promote citizen participation in public affairs. They also propose State intervention to reduce social disparities. [...] In contrast], the countries of the Pacific Alliance propose a subsidiary role for the State, having market regulation as the mechanism. The State at all levels tends to stop being a direct service provider to become an articulator, a mediator between the actors providing public services. In this context, the regulatory capacities of the State are focused on improving the quality of the services and the efficacy and efficiency of the operators. It tends to promote private activity, which requires establishing clear rules and specific regulations (CAF, 2015: 13).

The Development Andean Corporation (CAF), a supporter of the Pacific Alliance of governments that have committed themselves to prioritize the privatization of essential WSS, openly dismisses “State intervention to reduce social disparities”. This position seems to be in open contradiction to the findings about the growing inequalities in access to WSS caused by these policies during the last few decades, which are directly related to the failure in meeting the MDGs, as recent official reports suggest,

[I]t is usually the poor and otherwise excluded and marginalized populations who tend to have least access to improved drinking water supplies and sanitation. **Interventions that do not have an equity focus may exacerbate inequality by failing to reach the most disadvantaged subgroups.** Closing these gaps requires explicit consideration of those who are being left behind. [...] there are multiple dimensions of inequality, which can overlap, combine or reinforce one another. Without specific attention to marginalized or vulnerable groups, **it is possible to see national averages improve while within-country inequality increases** (WHO-UNICEF, 2014: 38; our emphasis).

The position of the CAF is by no means exceptional, and rather illustrates the prevailing policy option of a wide range of governments of the leading world countries, as also illustrated by the ongoing debates about the Trade in Services Agreement (TISA) currently negotiated by 23 members of the World Trade Organization (WTO), including the European Commission. The policies of mercantilization and privatization of essential public services, including WSS, that are at the heart of these initiatives, place these countries at odds with the bold and universalistic commitments recently agreed for the 2030 SDG development agenda. The commodification of WSS, whether through outright privatization or by other means, including the transformation of the remit of public utilities from providers of universally available WSS into profit-seeking enterprises not dissimilar from private businesses, will clearly be **a major threat and obstacle for the goal of making essential WSS universally available to all**. Also, another major obstacle facing the achievement of the SDGs will be the **weakening and dismantling of public sector capacity to regulate and deliver essential services**, including WSS, resulting from the policies of deregulation, liberalization, and overall **reduction of the State’s responsibility for the provision of these services** that have been implemented worldwide during the last three decades and continue to be the prevailing policy preference of the governments of the leading world countries and the IFIs.

2. Policy implications and recommendations

Against this background, the lessons learned from DESAFIO’s study on socio-technical innovations that were implemented since the 1980s to tackle the deficit in WSS affecting vulnerable communities have a range of implications for policy design and

implementation. We summarize these below, and include recommendations that may be helpful to support policy design and implementation with the aim of fulfilling the UN's "historic decision on a comprehensive, far-reaching and people-centred set of universal and transformative Goals and targets", the SDGs (UN, 2015b: 3).

- The main causes explaining the failure of many countries to meet the MDGs in 2015 were neither environmental constraints nor the shortage of scientific and technical knowledge or the unavailability of technological solutions. The key challenges, risks, and uncertainties facing the international community in relation to the SDGs are mainly related to socio-economic, political, and policy-institutional processes.
- The evidence shows that a crucial reason for failure in meeting the MDGs related to deficiencies in the process of democratisation of the politics and management of essential WSS.
- The extension of safe essential WSS to cover the unserved population must rely on heavy state involvement, and particularly on heavy public funding. It is not possible to rely on private funding to extend basic services to the poor and very poor. The provision of essential WSS cannot be organised as a profit making activity, whether by private or public organisations.
- The State must provide strong and continued support to make socio-technical innovations to democratize WSS possible, and more importantly, sustainable and replicable.
- It is unfair and undemocratic to transfer the responsibility for funding and running essential WSS to the poor and very poor, as it is a primary responsibility of the State to guarantee universal access to these services. There must be a balance between the promotion of autonomy and substantive citizenship in vulnerable communities and the exercise of State responsibility for guaranteeing the provision of essential services.
- Prevailing public policies in WSS continue to alienate and exclude common citizens and users rather than promote democratic practices.
- The evidence shows that too often "citizen participation" in policy programmes means "willingness" to accept decisions already taken by power holders and technical experts with little or no consultation.
- Users are often reduced to the roles of passive beneficiaries, providers of labour and resources, or mere clients of profit-oriented WSS. However, substantive decisions, for instance about how WSS should be financed and organised (e.g. should these be provided as a public good and a social right or should rather be considered to be commodities to be delivered commercially by profit-oriented private or public operators?) are imposed on the population, often with disregard for the fact that large citizen majorities oppose the initiatives, which has triggered endless conflicts in many countries.
- These prevailing policies have created an imbalance resulting in the weakening of local governments and civil society. In many cases the authorities have lost the capacities they had acquired in the past to exercise

democratic control and regulation over the management of essential public services such as WSS.

- The fact that responsibility for WSS and closely related activities such as management of water resources or environmental and public health is often fragmented across different sectors and levels of decision-making hampers design and implementation of effective policies.
- The production of scientific knowledge in this field continues to be characterised by high fragmentation between the natural, technical, and social sciences, which remains a significant factor affecting the pace of progress in tackling the challenges.

2.1 Recommendations

1. Achieving the universalization of access to essential WSS as envisaged in SDG 6 is an inclusive political project, which by definition cannot be achieved through exclusionary politics, such as the commodification of water and water services. It will require long-term planning, not just to build the infrastructures and extend coverage, but also to make the systems sustainable over time and the services available to all independently of the capacity to pay individuals and families. The public policies required to achieve the universalisation of essential WSS must be grounded on the principle of equality, and must subordinate economic efficiency and private profit to the higher goals of democratic wealth distribution and civilised wellbeing.
2. Governments and international institutions should stop promoting policies that privilege private profit over public benefits, such as the privatisation and mercantilisation of WSS in their different forms. Countries should put in place legal and policy mechanisms to prevent the commodification of water resources and WSS. If countries continue to allow the control of water resources and WSS by private companies and wealthy individuals, SDG 6 will be no more than a romantic idea never put into practice.
3. Successfully tackling the challenges facing the SDGs requires radical socio-technical solutions. In particular requires breaking with the prevailing status quo dominated by technology-centred, top-down, often paternalistic and even authoritarian solutions in the provision of WSS that tend to privilege short-term interests over the common good.
4. Public policies related to essential public services must be oriented at strengthening the capacities of public authorities to deliver and regulate the provision of safe quality services. Governments and international institutions must invest heavily in the provision and long-term maintenance of the required infrastructure and management operations. These investments must privilege broad and long-term social “returns” (in public health, quality of life, etc.) over short-term economic gains. The revitalisation of the Global

Partnership for Sustainable Development envisaged in SDG 17 must radically change the prevailing emphasis on public-private partnerships, that often has served to promote privatization and mercantilization, and strongly support the development of public-public, public-community, and community-community partnerships to achieve SDG 6.

5. Meeting SDG 6 will also require tackling the world's water crisis, particularly the pollution of water bodies and the human-driven processes of desertification and desiccation. These are enormous tasks that many governments in the developing world will find extremely difficult owing to financial restrictions, lack of human resources, etc. There is a strong need for international co-responsibility in this matter.
6. Substantive democratisation in the government, management and access to essential public services such as WSS requires social participation and control over the decision-making process by common citizens and users. This includes the scrutiny and democratic control of decisions about how water and essential services such as WSS are governed, managed, and distributed, by whom, for whose benefit, etc. This is seldom available to local communities and common citizens, even in the core Western countries with consolidated electoral democracies. Water politics and management are seldom transparent to citizens, are largely unaccountable, and tend to be openly authoritarian and top-down. There are currently no effective mechanisms to enable common citizens to exercise democratic control over these activities. Achieving substantive democratization in the WSS sector will require putting in place effective legal and administrative mechanisms to allow the meaningful involvement of citizen-users and make the activities of government and management of WSS subject to citizen scrutiny and control.
7. It also requires going beyond the dominant situation whereby international organisations and donors pay lip service to socio-technical innovations but in practice continue to favour the reproduction of a status quo that privileges the interests of private corporations and profit makers over the needs of the poor and very poor.
8. There is a need to make policy and technology subservient to the higher goals of achieving efficacy and effectiveness, not just efficiency, in the delivery of WSS if we are going to meet the SDG 6 target of full universalisation of WSS and other essential services.
9. One of the key elements to achieve success in tackling the challenges facing the SDGs lies in developing higher levels of understanding of
 - a. the conditions, factors and processes that facilitate the emergence of socio-technical innovations to solve the crisis of WSS affecting vulnerable communities;
 - b. the critical requirements to make successful socio-technical innovations sustainable and replicable;
 - c. the obstacles to their sustainability and replication.

DESAFIO has extracted helpful lessons about these three aspects, the most relevant of which are summarized in the reports that complement these guidelines (Castro, 2015b,c).

10. The causes of failure to universalise the access to safe WSS are multidimensional, involving natural, social, and individual processes and factors that require systemic solutions drawing on interdisciplinary expertise and inter-sector collaboration in policymaking and implementation. Meeting the SDGs will require strong support from governments and international organisations to develop innovative socio-technical solutions for WSS that foster:
 - a. inter-sectoral cooperation in the management of basic WSS;
 - b. inter- and transdisciplinary coordination for the production of knowledge and the implementation of research results
 - c. ensuring that policy design and implementation are grounded on the principles of social equality, and substantive democracy. On the latter point, Governments and international organisations should support the development of innovative socio-technical interventions that promote the active and meaningful, not merely tokenistic, involvement of local communities and other relevant actors.
11. There is a need to promote and invest in further research to identify the existing barriers and opportunities for enhancing the access to water technologies, especially for those sectors of the population who are the main targets of the SDGs, the poor and the most vulnerable sectors, in particular women and children. These actors must be involved in all stages of the research process, from the inception through the design, implementation, monitoring, and validation.

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